IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5255 OF 2005

Ashwini Abasaheb Honmane ...Petitioner
vs.
Abasaheb Yadav Honmane
and anr. ....Respondents

V.R. Vaze for the petitioners.
None for respondents.

CORAM: S.U. KAMDAR, J.

DATE : 17th November, 2005.

P.C. :

1. The present petition is filed challenging the order of Family Court at Bandra inter-alia fixing the maintainenance for the petitioneer wife at Rs.1500/- per month as interim maintenance. By the present petition the petiitoner is seeking enhancement of the said amount by Family Court.

2. The contention advanced by the learned counsel for the petitioner is that the petitioner is already earning Rs.10,000/- per month towards

suspension allowance and Rs.4,000/- per month an allowance from the earlier job which he was holding in Navy. Thus his monthly income is Rs.14,000/- per month. He is also having 40 acres of cultivated land at his native place at Village-Mohur, Satara and having income therefrom. The respondent husbhand has not appeared before the trial court nor he has appeared in the present proceedings inspite of service of notice. The petitionerr has served the respondent by letter dated 5.9.2005 pursuant to the order dated 2.9.2005 directing service of notice to the respondent herein. Learned cousnel for the petitioner undertakes to file affidavit of service in that behalf. Such an affidavit to be filed within one week. Considering the record of facts in the present case and also considering that the petitioner has no other source of income, In my opinion the fixation of maintenance at Rs.1500/- is too meagre an amount particulary to live a life at the present cost of living.

3. The respondebnt has substantial source of

income from where he can pay the maintenance to the petitioner herein. In my opinion looking at the facts of the present case and in the interest of justice interim maintenance is required to be enhanced which I accordingly do so from Rs.1500/- to Rs.3000/- per month. The impugned order stands modified to that extent. The aforesaid amount of Rs.3000/- will be payable from the date of the application. The petition to stand allowed as aforesaid. No order as to costs.

sd/-

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